

# Notice of Allowability

Application No.

09/485,292

Examiner

Celia Chang

Applicant(s)

KLAR ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner's amendment attached.
2. ☒ The allowed claim(s) is/are 33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

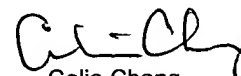
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Celia Chang  
Primary Examiner  
Art Unit 1625

### DETAILED ACTION

1. Applicants' brief filed on Feb. 23, 2007 is now moot in view of the following examiner's amendment.

Claims 1, 2, 5, 6, 8-12, 31 and 32 are pending.

2. *Examiner's Amendment*

Authorization for this examiner's amendment was given in a telephone interview with Jennifer Branigan on Jan. 15, 2008.

All pending claims have been canceled. Add the following new claim.

**Claim 33** A compound which is:

(4S,7R,8S,9S, 13(Z),1 6S(E))-4,8-Dihydroxy-7-ethyl-16-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)-1-oxa-5,5,9,13-tetramethyl-cyclohexadec-13-ene-2,6-dione,

(4S,7R,8 S,9S, 13E, 16S(E))-4,8-dihydroxy-7-ethyl- 16-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa-5,5,9,13-tetramethyl-cyclohexadec- 13-ene-2,6-dione (B),

( 1 S,3 S (E),7S, 10R, 11 S, 12S, 16R)-7,11 °Dihydroxy-3-( 1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadecane-5,9-dione,

(1R,3 S(E),7S, 10R, 11 S, 12S, 16S)-7,11 -dihydroxy-3-(1 -methyl-2°(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

( 1 S,3 S(E),7S, 10R, 11 S, 12 S, 16S)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadecane-5,9-dione,

(1R,3 S(E),7S, 10R, 11 S, 12S, 16R)-7,11 -dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadecane-5,9-dione,

(4S,7S,8R,9S, 13Z, 16S(E))-4,8-Dihydroxy-7-ethyi- 16-( 1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)-1 -oxa-5,5,9,13-tetramethyl-cyclohexadec-13-ene-2,6-dione,

4S,7S,8R,9S, 13E, 16S(E))-4,8-dihydroxy-7-ethyl-16-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa-5,5,9,13-tetramethyl-cyclohexadec- 13-ene-2,6-dione,

(1 S,3 S(E),7S, 10S, 11 R, 12S, 16R)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadecane-5,9-dione,

(1R,3 S(E),7S, 10S, 11 R, 12S, 16S)-7,11 -dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(1 S,3 S(E), 7S, 10S, 11 R, 12 S, 16R)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

( 1R,3 S(E),7S, 10S, 11 R, 12S, 16S)-7,11 -dihydroxy-3-( 1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(4S,7R,8S,9S, 13(E or Z), 16S(E))-4,8-Dihydroxy- 16-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)-1-oxa-7-phenyl-5,5,9,13-tetramethyl-cyclohexadec-13-ene-2,6-dione,

(1 (S or R),3 S(E),7S, 10R, 11 S, 12S, 16R)-7,11 -Dihydroxy-3-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-phenyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(1R or S),3 S(E),7S, 10R, 11 S, 12S, 16S)-7,11-Dihydroxy-3-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-phenyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(4S,7R,8S,9S, 13(E or Z), 16S(E))-7-Benzyl-4,8-dihydroxy-16-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa-5,5,9,13-tetramethyl-cyclohexadec- 13-ene-2,6-dione,

(4S,7S,8R,9S, 13E, 16S(E))-4,8-dihydroxy-7-ethyl-16-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa-5,5,9,13-tetramethyl-cyclohexadec- 13-ene-2,6-dione,

(1 S,3 S(E),7S, 10S, 11 R, 12S, 16R)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadecane-5,9-dione,

(1R,3 S(E),7S, 10S, 11 R, 12S, 16S)-7,11 -dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(1 S,3 S(E), 7S, 10S, 11 R, 12 S, 16R)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(1R,3 S(E),7S, 10S, 11 R, 12S, 16S)-7,11 -dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-ethyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(4S,7R,8S,9S, 13(E or Z), 16S(E))-4,8-Dihydroxy- 16-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)-1-oxa-7-phenyl-5,5,9,13-tetramethyl-cyclohexadec-13-ene-2,6-dione,

(1 (S or R),3 S(E),7S, 10R, 11 S, 12S, 16R)-7,11 -Dihydroxy-3-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-phenyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(1R or S),3 S(E),7S, 10R, 11 S, 12S, 16S)-7,11-Dihydroxy-3-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 10-phenyl-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(4S,7R,8S,9S, 13(E or Z), 16S(E))-7-Benzyl-4,8-dihydroxy-16-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa-5,5,9,13-tetramethyl-cyclohexadec- 13-ene-2,6-dione,

(1 (S or R),3 S(E),7S, 10R, 11 S, 12S, 16R)- 10-Benzyl-7,11 -dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)-8,8,12,16-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadecane-5,9-dione,

(4S,7R,8S,9S, 11 E/Z, 13 (E or Z), 16S(E))-4,8-Dihydroxy- 13-ethyl- 16-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1-oxa-5,5,7,9-tetramethyl-cyclohexadec- 11,13- diene-2,6-dione

(1 (S or R),3 S(E),7S, 10R, 11 S, 12S, 14E/Z, 16R)-7,11 -Dihydroxy- 16-ethyl-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)-8,8,10,12-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadec- 14-ene-5,9-dione,

(1R or S),3 S(E),7S, 10R, 11 S, 12S, 14E/Z, 16S)-7,11 -Dihydroxy- 16-ethyl-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)-8,8,10,12-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadec- 14-ene-5,9-dione,

(4S,7R,8S,9S, 11 E/Z, 13(E or Z), 16S(E))-4,8-Dihydroxy- 16-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa- 13-propyl-5,5,7,9-tetramethyl-cyclohexadec- 11,13-diene-2,6-dione,

(1 (S or R),3 S(E),7S, 10R, 11 S, 12S, 14E/Z, 16R)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 16-propyl-8,8,10,12-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadec- 14-ene-5,9-dione,

(1R or S),3 S(E),7S, 10R, 11 S, 12S, 14E/Z, 16S)-7,11 -Dihydroxy-3-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 16-propyl-8,8,10,12-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadec- 14-ene-5,9-dione,

(4S,7R,8S,9S, 13 (E or Z), 16S(E))-4,8-Dihydroxy-16-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa-5,5,7,13-tetramethyl-9-trifluoromethyl-cyclohexadec- 13-ene-2,6-dione,

(1 (S or R),3 S(E),7S, 10R, 11 S, 12S, 16R)-7,11 -Dihydroxy-3-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)-8,8,10,16-tetramethyl- 12-trifluoromethyl-4,17-dioxabicyclo[ 14.1.0]heptadecane-5,9-dione,

(1R or S),3 S(E),7S, 10R, 11 S, 12S, 16S)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 8,8,10,16-tetramethyl- 12-trifluoromethyl-4,17-dioxabicyclo[ 14.1.0]heptadecane-5,9-dione,

(4S,7R,8S,9S, 13 (E or Z), 16S(E))-4,8-Dihydroxy- 16-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa-5,5,7,9-tetramethyl- 13-trifluoromethyl-cyclohexadec- 13-ene-2,6-dione,

(1 (S or R),3 S(E),7 S, 10R, 11 S, 12 S, 16R)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)-8,8,10,12-tetramethyl- 16-trifluoromethyl-4,17-dioxabicyclo [ 14.1.0]heptadeca- 5,9-dione,

(1R or S),3 S(E),7S, 10R, 11 S, 12S, 16S)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)-8,8,10,12-tetramethyl- 16-trifluoromethyl-4,17-dioxabicyclo[ 14.1.0]heptadeca-5,9-dione,

(4S,7R,8 S,9S, 13(E or Z), 16S(E))-4,8-Dihydroxy- 16-( 1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 1 -oxa- 13-pentafluoroethyl-5,5,7,9-tetramethyl-cyclohexadec- 13-ene-2,6-dione,

(1 (S or R),3 S(E),7S, 10R, 11 S, 12 S, 16R)-7,11 -Dihydroxy-3-(1-methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 16-pentafluoroethyl-8,8,10,12-tetramethyl-4,17-dioxabicyclo [ 14.1.0]heptadeca- 5,9-dione,

(1R or S),3 S(E),7S, 10R, 11 S, 12S, 16S)-7,11 -Dihydroxy-3-(1 -methyl-2-(2-methyl-4-thiazolyl)ethenyl)- 16-pentafluoroethyl-8,8,10,12-tetramethyl-4,17-dioxabicyclo[ 14.1.0]heptadeca-5,9-dione,

### 3. *Reason for Allowance*

The following is an examiner's statement of reasons for allowance:

Applicants have canceled the nonelected subject matter and limited to the compounds encompassing the elected subject matter which are commensurate with the unexpected result

demonstrated by the Declaration filed under 37 CFR 1.132, i.e. R5 is methyl, one of R2a or R2b is not methyl. Claim 33 is allowed.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang, Ph. D. whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet L. Andres, Ph. D., can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OACS/Chang  
Jan 15, 2008

  
Celia Chang  
Primary Examiner  
Art Unit 1625